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In the Court of Common Pleas of the  
County of Montgomery.

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JOHN M. JONES,

GUARDIAN OF

HOWARD HENRY DRAKE,

A MINOR, COMPLAINANT,

VS.

CAROLINE S. DRAKE, & TOBIAS

G. HAENGE, DEFENDANTS.

10  
IN EQUITY,

Of February Term, 1867,

No.

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**BILL.**

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*Acker, Printer.*

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2. 1990年12月，中共中央、国务院作出《关于实行“以公有制为主体、多种所有制经济共同发展”方针的若干规定》，明确“以公有制为主体、多种所有制经济共同发展”是我国社会主义初级阶段的基本经济制度。

IN THE COURT OF COMMON PLEAS OF  
THE COUNTY OF MONTGOMERY.

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JOHN M. JONES,	}	IN EQUITY,
GUARDIAN OF		
HOWARD HENRY DRAKE,		
A MINOR, COMPLAINANT,		Of February Term, 1867,
VS.		No.
CAROLINE S. DRAKE, & TOBIAS		
G. HAENGE, DEFENDANTS.		

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TO THE HONORABLE THE JUDGES OF SAID COURT,

YOUR ORATOR COMPLAINS AND SAYS :

1. On the 17th day of August, A. D. 1859, I was appointed by the Orphans' Court of the said county of Montgomery, Guardian of the estate of Howard Henry Drake, then and still a minor under the age of fourteen years, and only child of Henry Drake, of Norristown, Pennsylvania. The said Henry Drake, father of the said minor, on the 15th day of August, A. D. 1864, by a written instrument, erroneously dated August 10, 1864, under his hand and seal, duly executed, a copy of which, marked A, is annexed to and made part of this



bill, assigned, transferred and set over to me, as Guardian aforesaid, my heirs and assigns forever, two bonds issued by said county of Montgomery, called Montgomery County Loan Bonds, then owned and held by said Drake, each dated August 15th, 1864, one of them numbered 82, for the payment of \$1,137 74, with interest, and the other of them numbered 83, for the payment of \$1500, with interest. I received the interest, which became due upon the said bonds April 1, 1865, and receipted therefor upon the books of the County Treasurer, on September 11, 1865. The annual interest, which became due on the same bonds on April 1, 1866, was received for me, by the said Henry Drake, as my attorney, and receipted for by him as such Attorney, on the books of the County Treasurer, on March 10, 1866. The said Henry Drake was, with my consent, the custodian for me of the said bonds and assignment, and kept them in a box which contained also other property belonging to me, hereinafter mentioned, as well as private property of the said Drake. The box was deposited, by him, with the "Montgomery National Bank of Norristown," locked, he retaining the key thereof in his own possession.

2. The said Henry Drake, afterwards, to-wit, on the Fifteenth day of May, A. D. 1865, by another written instrument, under his hand and seal, a copy of which, marked B, is annexed to and made part of this bill, assigned, transferred and set over to me, as Guardian aforesaid, my heirs and assigns forever, three other bonds or certificates of indebtedness, issued by the said county of Montgomery, then owned and held by him, one of them dated March 15, 1865, numbered 1039, for the payment of \$1750, with interest; another of them dated March 15, 1865, numbered 1040, for the payment of \$1600, with interest; and the third dated April 8, 1864, numbered 997 for the payment of \$900, with interest, of which said last mentioned three bonds and the assignment thereof, the said Henry Drake, was also, with my consent, the custodian for me, and they were kept by him in the same box hereinbefore mentioned.

3. Afterwards, to-wit, on the Seventh day of July, A. D. 1866, the said Henry Drake, by another written instrument, under his hand and seal, a copy of which, marked C, is annexed to, and made part of this bill, assigned, transferred and set over to me as Guardian aforesaid, in trust, my heirs and assigns forever, the two bonds or certificates of indebtedness of Montgomery county, hereinbefore mentioned as numbered respectively 1039 and 1040, and also, six other bonds or certificates of indebtedness, (called Montgomery County



Bounty Loan,) then owned and held by him, one of them dated, April 1, 1864, numbered 1081, for the payment of \$825, with interest; one other of them dated April 2, 1864, numbered 148, but mis-numbered 1048, in the said assignment, for the payment of \$1900, with interest; one other of them dated April 4th, 1864, numbered 149, for the payment of \$1000, with interest; one other of them dated April 1, 1864, numbered 146, for the payment of \$750, with interest; one other of them dated, April 1, 1864, numbered 451, for the payment of \$550, with interest; and the other of them dated April 13th, 1864, numbered 745 for the payment of \$575, with interest, of which said last mentioned eight bonds and the assignment thereof, the said Henry Drake, was also, with my consent, the custodian for me, and they were kept by him in the same box, hereinbefore mentioned.

4. The said Henry Drake, was at the time of making the said several assignments, in perfectly solvent circumstances.

5. The said Henry Drake died in the month of August, A. D. 1866, intestate, leaving surviving him, a widow, the said Caroline S. Drake, one of the defendants, to whom he had been married less than two years before his death, and by whom he had no issue, and one child, the said Howard Henry Drake, his son by a former marriage.

6. At the time of the death of the said Henry Drake, the said box, containing the said three several assignments and all of the said bonds or certificates of indebtedness, so assigned by them respectively, (except the said bond No. 997, for \$900) was in the custody of the said Montgomery National Bank, locked up, as it had been delivered to the said Bank by the said Drake in his lifetime. The said bonds, No. 82 and No. 83, with the said assignment of them were enclosed in a sealed envelope with the following address written on the outside thereof in the proper hand writing of the said Henry Drake, to-wit, "John M. Jones, Esq., Guardian of Howard H. Drake, son of H. Drake, and not to be opened except in the presence of Aram Drake and Tobias G. Haenge." The said bonds No. 1081, No. 1039, No. 1040, No. 148, No. 149, No. 146, No. 451, and No. 745, with the said two assignments dated respectively, May 15, 1865, and July 7, 1866, were enclosed in another sealed envelope, with the following address written on the outside thereof in the proper hand writing of the said Henry Drake, to-wit:—"John M. Jones, Esq., Guardian of Howard Henry Drake, in care of Aram Drake, and Tobias G. Haenge, \$10262."



7. After the death of the said Henry Drake, the said Caroline S. Drake, his aforesaid widow, obtained possession of the key of the said box, opened it, and caused the said envelopes with their contents, so addressed to me as aforesaid, to be unsealed, and the said Caroline S. Drake and the said Tobias G. Hacnge, have taken possession of and still keep the said two envelopes and the three assignments aforesaid, and the said several bonds, respectively numbered as aforesaid, No. 82, No. 83, No. 1081, No. 1039, No. 1040, No. 148, No. 149, No. 146, No. 451, and No. 745, and have refused and still refuse to deliver them up to me on demand.

8. The said Defendants claim to be lawful administrators of the estate of the said Henry Drake, and that as such they have the power to transfer the same, notwithstanding the said several assignments to me, and threaten to dispose of them as if no such assignments existed, and to appropriate the said bonds and the monies secured thereby for the use of the estate of the said Henry Drake, and for the benefit of the said Caroline S. Drake, and to prevent me from collecting either the principal or interest thereof. By so unlawfully withholding from me the possession of the said bonds, they have prevented me from presenting for payment certain of the said bonds to-wit, No. 146, No. 148, and No. 149, above mentioned, (which became due and payable on the Eleventh day of December, A. D. 1866,) in obedience to public notice given by the Commissioners of said County, under an act of Assembly of this Commonwealth, which act provides that interest shall cease upon all bonds not presented for payment at the times fixed by such notice.

I therefore pray the Court to decree:

1. That the defendants, and each of them be restrained by the injunction of this Court, from negotiating, transferring or otherwise disposing of the said bonds and certificates of indebtedness, or any of them, and from collecting or receiving any of the monies, principal or interest, secured by them and every of them.

2. That the defendants deliver to me the said bonds in this bill described, numbered respectively No. 82, No. 83, No. 1081, No. 1039, No. 148, No. 149, No. 146, No. 451, and No. 745, and every of them, and the said three assignments, dated respectively August 10, 1864, May 15, 1865, and July 7, 1866, and the said two envelopes.

3. That the said defendants pay me interest from the said Eleventh day of December, A. D. 1866, upon the said sums of

money (ammounting in the aggregate to \$3650,) secured by the said bonds numbered respectively No. 146, No. 148 and 149.

JOHN M. JONES.

G. R. FOX.

*Solicitor for Complainant,*

*Montgomery County, SS,*

JOHN M. JONES, the above named Complainant being duly sworn, says the facts set forth in the foregoing bill are true to the best of his knowledge and belief.

JOHN M. JONES.

*Sworn and subscribed before me, }*  
*January 29<sup>th</sup>, A. D. 1867.*

JESSE H. GERY, *Prothonotary.*



## A.

For a valuable consideration to me in hand paid, I hereby assign, transfer and set over the two annexed Montgomery County Loan Bonds, Nos. 82 and 83, dated August 15th, 1864, all monies due and to become due thereon, to John M, Jones, Esq., Guardian of my son Howard Henry Drake, his heirs, and assigns forever. Witness my hand and seal, August 10th 1864.

H. DRAKE. { SEAL }

Witness Present :  
                   his  
 A. M. ✕ RICHARD,  
                   mark.  
 GEORGE SAMSEL. }

## B.

For a valuable consideration to me in hand paid, I hereby assign, transfer and set over the annexed bonds, Nos. 1039, 1040 dated March 15, 1865, \$1750 and \$1600,—also No. 997, dated April 8th, A. D. 1864, for \$900, unto John M. Jones, Esq , Guardian of my son, Howard Henry Drake, his heirs, and assigns forever. Witness my hand and seal, May 15th, 1865.

H. DRAKE, { SEAL }

L M. PIERCE,  
 JAMES SMETHURST, }

## C.

For a valuable consideration to me in hand paid, I hereby assign, transfer and set over the annexed certificates of the Montgomery Penna. Bounty Loans, Nos. amount and date as follows, to-wit :—

No. 1081,	dated April 1st, 1864,	\$825.
“ 1039,	“ March 15th, 1865,	1750.
“ 1040,	“ March 15th, 1865,	1600.
“ 1048,	“ April 2d, 1864,	1900.
“ 149,	“ “ 4th, 1864,	1000.
“ 146,	“ “ 1st, 1864,	750.
“ 451,	“ “ 1st, 1864,	550.
“ 745,	“ “ 13th, 1864,	575.

\$8950.

Unto John M. Jones, Esq , Guardian of my son Howard Henry Drake,



in trust, to him, his heirs and assigns forever. Witness my hand and seal, July 7th, 1866.

H. DRAKE. {SEAL}

N. B.	You will find two other County Bonds transferred by me,	
one for		\$1500,00
" other		1137.74
		<hr/>
		\$11,587.74

